

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

YATAV JACKSON,

Plaintiff,

CIVIL ACTION NO. 13-13840

DISTRICT JUDGE NANCY G. EDMUNDS

v.

MAGISTRATE JUDGE MARK A. RANDON

ABILITY RECOVERY SERVICES, LLC,

Defendant.

REPORT AND RECOMMENDATION TO DISMISS CASE WITH PREJUDICE

Plaintiff Yatav Jackson sued Defendant Ability Recovery Services, LLC (“ARS”) in the Small Claims Division of the 30th District Court in Highland Park, Michigan. Jackson alleges that in collecting a debt, ARS failed to respond to his debt verification request, and continued to collect the debt, causing his credit score to fall. Jackson claims that ARS’s conduct violated two federal statutes: the Fair Credit Reporting Act and the Fair Debt Collections Act. ARS timely removed the case to this Court (Dkt. No. 1).

Judge Nancy G. Edmunds referred the case to this Magistrate Judge for all pretrial proceedings (Dkt. No. 5); the next day, this Magistrate Judge ordered the parties to appear for a Rule 16 scheduling conference on December 16, 2013 at 2:00 p.m. (Dkt. No. 6). Counsel for ARS appeared; Jackson did not. Jackson made no attempt to contact the Court to address his absence, and counsel for ARS notified the Court that he has been unable to contact him.

On December 16, 2013, this Magistrate Judge gave Jackson until January 6, 2014 to explain – in writing – why he failed to appear for the scheduling conference (Dkt. No. 7).

Jackson was warned that if he failed to respond as ordered, this Magistrate Judge would recommend to Judge Edmunds that his case be dismissed with prejudice. Jackson did not respond. As such, this Magistrate Judge **RECOMMENDS** that Jackson's case be **DISMISSED WITH PREJUDICE**.

The parties to this action may object to and seek review of this Report and Recommendation within fourteen (14) days of service of a copy hereof as provided for in 28 U.S.C. § 636(b)(1). Failure to file specific objections constitutes a waiver of any further right of appeal. *Thomas v. Arn*, 474 U.S. 140 (1985); *Frontier Ins. Co. v. Blaty*, 454 F.3d 590, 596 (6th Cir. 2006); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005). The parties are advised that making some objections, but failing to raise others, will not preserve all the objections a party may have to this Report and Recommendation. *McClanahan v. Comm'r Soc. Sec.*, 474 F.3d 830 (6th Cir. 2006) (internal quotation marks omitted); *Frontier*, 454 F.3d at 596-97. Objections are to be filed through the Case Management/Electronic Case Filing (CM/ECF) system or, if an appropriate exception applies, through the Clerk's Office. E.D. Mich. LR 5.1. A copy of any objections is to be served upon this Magistrate Judge but this does not constitute filing. E.D. Mich. LR 72.1(d)(2). Once an objection is filed, a response is due within fourteen (14) days of service, and a reply brief may be filed within seven (7) days of service of the response. E.D. Mich. LR 72.1(d)(3), (4).

s/Mark A. Randon
MARK A. RANDON
UNITED STATES MAGISTRATE JUDGE

Dated: January 9, 2014

Certificate of Service

I hereby certify that a copy of the foregoing document was served on the parties of record on this date, January 9, 2014, by electronic and/or first class U.S. mail.

s/Eddrey Butts

Case Manager to Magistrate Judge Mark A. Randon
